

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT

CEMENT MASONS PENSION TRUST FUND -  
DETROIT & VICINITY, *et al*,

Plaintiffs,

Case No. 06-10614

Honorable ARTHUR J. TARNOW

v

FERMEZZA CONCRETE, INC.,

Defendant.

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**JUDGMENT**

At as Session of Said Court  
held at the United States District Courthouse,  
Detroit, Michigan  
on October 10, 2006

PRESIDING: Honorable ARTHUR J. TARNOW  
United States District Judge

This Matter has come to be heard on PLAINTIFFS' APPLICATION FOR DEFAULT JUDGMENT.

This Court, after having been fully advised, finds that Plaintiffs are entitled to the relief requested in their application.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. Defendant entered into (or adopted) a collective bargaining agreement with the Laborers Union and, pursuant to that agreement and applicable law, FERMEZZA CONCRETE, INC. was obligated to make fringe benefit contributions to plaintiffs for, or with respect to work performed by, those of its employees who were represented by the Cement Masons Union;

B. Defendant is contractually obligated to plaintiffs for the period from (at the

latest) July 2005;

C. Defendant shall specifically perform all of the fringe benefit provisions of the collective bargaining agreements which it entered into with the Cement Masons Union;

D. Within fourteen (14) days of service of this judgment, defendant shall submit to plaintiffs (for inspection and audit) any and all books and records (without limitation whatsoever) needed by plaintiffs to determine the amount of defendant's indebtedness for the period from July 2005;

E. Plaintiffs are awarded the amount owing, if any, for the period from July 2005, as ascertained by the above audit. Plaintiffs are hereby granted leave to file a petition to amend this judgment to incorporate the amount determined to be owed, if any, by that audit.

F. Plaintiffs are awarded prejudgment interest (calculated upon the unpaid contributions portion of the audit, if any), plus costs and attorneys fees incurred in this action. The amount of prejudgment interest (if any), costs and attorneys fees will be determined at the time of plaintiffs' petition to amend this judgment.

G. This Court retains jurisdiction for purposes of enforcing this judgment.

s/Arthur J. Tarnow  
Arthur J. Tarnow  
United States District Judge

Dated: October 10, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 10, 2006, by electronic and/or ordinary mail.

s/Theresa E. Taylor  
Case Manager